## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

BENYEHUDAH WHITFIELD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:06-cv-968-DGW
DIAGELL L CODIG	)	
RUSSELL J. GOINS, et al.,	)	
Defendants.	)	
Defendants.	)	
	ORDER	

WILKERSON, Magistrate Judge:

This matter is before the Court on the Motion to Reopen Discovery or, in the Alternative, to Extend Time to Respond to Defendants' Motion for Summary Judgment filed by Plaintiff, BenYehudah Whitfield, on November 18, 2013 (Doc. 90). The Motion is **GRANTED** as to an extension of time and **DENIED WITHOUT PREJUDICE** as to reopening discovery.

Plaintiff represents that certain discovery, namely copies of grievances and responses that Plaintiff penned in 2005 and 2006, were destroyed in a flood at his home. Plaintiff represents that he has requested this documents through the Freedom of Information Act and that he requires additional time to acquire the documents and/or appeal decisions that would deny access to the documents. Plaintiff therefore seeks additional time to respond to Defendants' Motion for Summary Judgment that was filed on October 18, 2013. Plaintiff seeks until January 18, 2014 to respond to the Motion. Such a request is **GRANTED.** 

PREJUDICE. There currently is pending a Motion for Summary Judgment on the merits of Plaintiff's claims. In order for discovery to be permitted after the filing of such a motion, Plaintiff must show by affidavit that "for specified reasons, it cannot present facts essential to justify is opposition." FED.R.CIV.P. 56(d). Plaintiff has presented no affidavit. It is also unclear to the Court how grievances, which contain hearsay statements, would be admissible in opposition to a motion for summary judgment.

IT IS SO ORDERED.

DATED: November 22, 2013

DONALD G. WILKERSON United States Magistrate Judge